

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KENNETH MCMICHAEL,

Plaintiff,

v.

CAROLYN W. COLVIN,

Acting Commissioner of the Social Security
Administration,

Defendant.

Civ. No. 3:14-cv-00978-MC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff Kenneth McMichael brings this action for judicial review of a final decision of the Commissioner of Social Security denying his application for disability insurance benefits (DIB) and supplemental security income payments (SSI) under Titles II and XVI of the Social Security Act. This Court has jurisdiction under 42 U.S.C. §§ 405(g) and 1383(c)(3). Defendant initially filed a motion to dismiss, ECF No. 11, for lack of subject matter jurisdiction alleging that plaintiff failed to exhaust his administrative remedies. The parties, upon subsequent conferral,¹ submitted this stipulated motion for remand, ECF No. 20. Accordingly, defendant's motion to dismiss, ECF No. 11, is DENIED as moot, and the parties' stipulated motion to remand, ECF No. 20, is GRANTED. Pursuant to stipulation, this matter is REMANDED under sentence four of 42 U.S.C. § 405(g) for an administrative hearing.

¹ The Appeals Council found good cause for plaintiff's untimely request for administrative hearing.

IT IS SO ORDERED.

DATED this 25th day of February, 2015.


Michael J. McShane
United States District Judge